

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ANGEL DAVID MORALES VALLELLANES
Plaintiff,

VS.

US POSTMASTER GENERAL, et. Als.
Defendants

CIVIL NUM. 97-2459 (JAG/GAG)

DAMAGES BASED ON
RETALIATION AND
DISCRIMINATION; PROHIBITED
PRESONNEL PRACTICES;
UNFAIR LABOR PRACTICES;
BREACH OF COLLECTIVE
BARGAINING AGREEMENT

MOTION TO CLARIFY ORDER

TO THE HONORABLE COURT:

COMES NOW, plaintiff Angel David Morales Valellanes through his legal counsel and very respectfully prays:

1. On Wednesday December 7, 2005 this Honorable denied Defendant's dispositive motion for summary judgment. (See docket number 270)
2. Said order specified that in the event the parties do not reach an agreement "...they shall file now pretrial order limited to three issues which survived appeal."
3. This Honorable Court should take notice that it was also ordered by the U.S. Court of Appeal that the Count I of the Amended Complaint (retaliation and discrimination) also survived in addition to the three (3) EEO allegations or issues that this Honorable Court mentioned that survived the appeal. As a

matter of fact the appeal court stated in the last paragraph of its decision the following:

"We affirm the judgment entered for defendants on counts II, III and IV of Morales amended complaint. We vacate the judgment entered on count I and remand for proceedings not inconsistent with this decision."

4. Plaintiff's memorandum of law included said decision as it also cited the Count I. Retaliation and Discrimination. (See docket 265 pages 2, 3 and 4.)

WHEREFORE, it is respectfully requested from this Honorable to clarify the Order entered on December 7, 2005 (docket 270) as it requested above.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on December 12, 2005 I electronically filed the foregoing with the clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Fidel A. Sevillano-Del Rio, Esq., Assistant US Attorney.

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